

**COUNTY BOARD OF ADJUSTMENT**  
Meeting No. 76  
Tuesday, September 16, 1986, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Looney Tyndall Walker		Gardner Jones Moore	Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, September 12, 1986 at 1:11 p.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE the Minutes of August 19, 1986 (No. 75).

UNFINISHED BUSINESS

Case No. 673

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to permit 2 mobile homes per one lot of record, located east side of Dip Creek Road 1 mile south of 51st Street.

Presentation:

The applicant, Ellen Davis, was represented by Roger Davis, Route 2, Box 356, Sand Springs, Oklahoma. Mr. Davis stated that he is the owner of the property in question and asked the Board to allow his son to place a mobile home on the tract.

Comments and Questions:

Mr. Alberty pointed out that either the legal description or the map for this case is incorrect. Mr. Davis informed that he only owns the property on the east side of the road and not on both sides as the map illustrates.

Mr. Alberty inquired as to how the mobile homes will be placed on the acreage and Mr. Davis stated that they will be located at the front of the property.

Mr. Alberty asked if the mobile home will be a temporary residence for the son and Mr. Davis replied that he will live in the mobile home approximately 2 years.

Mr. Alberty asked if there are mobile homes in the area and Mr. Davis replied that there are numerous mobiles in the area, with one being across the street.

Mr. Alberty asked if Health Department approval has been acquired and Mr. Davis informed that the septic tank is already in place for one mobile home and has not been hooked up to the second mobile at this time.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to permit 2 mobile homes per one lot of record; subject to correct legal being supplied for the property in question; subject to Building Permit and Health Department approval; subject to the second mobile home being located on the property for a time period of 2 years; finding a hardship demonstrated by the fact that the 7-acre tract could be divided into 3 separate lots; on the following described property:

A tract of land in the Southern portion of the East Half of the Southeast Quarter of the Northwest Quarter of Section 33, T-19-N, R-10-E, Tulsa County, Oklahoma, described as follows:

Beginning at the Southeast corner of the said East Half of the Southeast Quarter of the Northwest Quarter of Section 33, thence West 660.16 feet to the Southwest corner of the said East Half of the Southeast Quarter of the Northwest Quarter of Section 33, thence North 13.75 feet to a point, thence in an East-Northeasterly direction to a point, which point is 55.25 feet North of the beginning point, thence South 55.25 feet to the point of beginning, said tract of land consisting of .52 acres, more or less, Tulsa County, Oklahoma.

**Case No. 674**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1209 - Request a special exception to allow a mobile home in an RS zoned district. Approved August 19, 1986.

Variance - Section 207 - Street Frontage Required - Request a variance of the minimum required frontage on a public street from 30' to 0' by access easement, located north of the NE/c of Terrace Drive and 4th Street West.

**Presentation:**

The applicant, Helen Soles, who was represented by Don Soles, stated that his daughter, who lives in a mobile home on the back portion of his property, will be permitted to use his driveway to gain access to her mobile.

**Comments and Questions:**

Mr. Jones pointed out that, at the last meeting, the Board granted Mr. Soles permission to place the mobile home in the RS zoned district.

Mr. Alberty pointed out that this is a land locked piece of property which does not abut a public street, and asked Mr. Soles if he has granted an easement to access this property.

Mr. Soles replied that he has granted his daughter permission to use his driveway for access. He pointed out that his property is flag shaped and part of the land fronts the street, but the property in question is behind a lot owned by his brother.

Mr. Gardner pointed out that, if the subject lot is ever conveyed to a third party, access to the street would have to be provided.

**Board Action:**

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required) of the minimum required frontage on a public street from 30' to 0' by access easement; subject to the mobile home being occupied by the daughter of the applicant only; subject to Building Permit and Health Department approval; finding a hardship demonstrated by the size and shape of the tract; on the following described property:

East 135' of Lot 12, Block 20, Charles Page Home Acres No. 2 and Resubdivision part of Block 10 - 12, Tulsa County, Oklahoma.

**Case No. 679**

**Action Requested:**

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow a church building and related uses (day care center) in an

AG zoned district, located East of NE/c of 129th East Avenue and 106th Street North.

**Presentation:**

The applicant, Leonard Pirtle, 407 Terrace Drive, Sand Springs, Oklahoma, stated that the church is purchasing 5 acres on Highway 169. He informed that plans have not been finalized at this time, but a percolation test has been made and approved. Mr. Pirtle informed that the congregation is moving from another location in approximately 3 to 5 years.

**Comments and Questions:**

Mr. Alberty asked the applicant how many members are meeting with the group at this time and what the expected membership will be at the time of the relocation.

Mr. Pirtle replied that there are presently 200 individuals meeting together and anticipates that attendance will be approximately 350 when the move is made to the new building, which will have a capacity of 500.

Mr. Alberty pointed out that platting will be required and Mr. Gardner informed that, if approval of the application is granted, construction must be started within a 3-year period from time of approval or the special exception will be void.

**Protestants:** None.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) in concept to allow a church building and related uses (day care center) in an AG zoned district; subject to applicant returning to the Board with a site plan for review before construction begins; finding that the granting of the special exception will not be detrimental to the area and the request will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land in the SE/4 of the SW/4, Section 9, Township 21 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows:

Commencing at the SW corner of said SE/4 SW/4, Section 9; thence N 88°44'40" E along the South line of said SE/4, 450 feet; thence N 01°13'58" W parallel to the West line of said SE/4 77.43 feet to the Point of Beginning, said Point of Beginning being on the North right-of-way line of the West exit

ramp from U.S. Highway 169; thence continuing N 01°13'58" W parallel to the West line of said SE/4, 633.00 feet; thence N 88°44'37" E 453.47 feet to a point 100 feet West of and at a right angle to the West line of U.S. Highway 169; thence S. 11°12'59" W parallel to and 100 feet West of the West U.S. Highway 169 right-of-way line 522.76 feet; thence S 88°44'40" W parallel to and 100 feet North of the North right-of-way line of the West exit ramp from U.S. Highway 169 120.00 feet; thence S. 83°02'02" W parallel to and 100 feet North of the North right-of-way line of the West exit ramp from U.S. Highway 169, 94.95 feet; thence S 01°13'58" E parallel to the West line of said SE/4 100.50 feet; thence S 83°02'02" W along the North right-of-way line of the West exit ramp from U.S. Highway 169 126.94 feet to the Point of Beginning, said tract of land containing 5.001 acres, Tulsa County, Oklahoma.

### NEW APPLICATIONS

#### Case No. 684

##### Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow an existing mobile home in an RS District, located at 4503 South 49th West Avenue.

##### Presentation:

The applicant, Barbara Coleman, was not present.

##### Comments and Questions:

Mr. Jones informed that the applicant has contacted his office by phone and stated that she is ill and unable to attend this meeting. Ms. Coleman requested that Case No. 684 be continued until October 21, 1986.

##### Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 684 to October 21, 1986.

#### Case No. 685

##### Action Requested:

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209/1206 - Request a variance to permit 4 dwelling units (1 conventional home and 3 mobile homes) on one lot of record, located east of the NE/c of 81st West Avenue and 7th Street.

**Comments and Questions:**

Mr. Jones informed that a letter (Exhibit C-1) was received from the City of Sand Springs recommending approval of this application, subject to County Code requirements being met.

**Presentation:**

The applicant, James Feather, 7925 West 7th Street, Sand Springs, Oklahoma, stated that he now has a home and 2 mobile homes located on his property. He pointed out that the dwellings are all occupied by members of his family and asked the Board to allow his son to place a third mobile home on the tract.

**Comments and Questions:**

Mr. Alberty asked the applicant how long the homes have been on the property and Mr. Feather stated that the house was built approximately 20 years ago and 2 of the mobile homes have been there 12 years. He informed that the third mobile home has recently been placed on the property and all of the dwellings will be served by the City sewer system.

Mr. Gardner stated the intersection is a commercial area and even if the tract became a mobile home park it would be compatible with the surrounding area.

**Board Action:**

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209/1206) to permit 4 dwelling units (1 conventional home and 3 mobile homes) on one lot of record; subject to Building Inspector and Health Department approval; finding that the mobile home is located near a commercial intersection and that mobile homes have been located on the property for several years; on the following described property:

A tract of land that contains 3.4757 acres that is part of Lot 7 (also known as the SW/4 of the SW/4) Section 6, T-19-N, R-12-E, Tulsa County, Oklahoma, said tract of land being described, to-wit: Beginning at a point that is on the South line of said Lot 7, said point being 1916 feet West of the Southeast corner of the SW/4 of Section 6; thence North and parallel to the West line of Lot 7 for 503 feet; thence West for 301 feet; thence South for 503 feet to the South line of Lot 7; thence East for 301 feet to the point of beginning, according to the U.S. Government Survey thereof, Tulsa County, Oklahoma.

Case No. 686

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to permit an existing mobile home in an RS District, located south of the SW/c of 4th Place and 69th West Avenue.

Presentation:

The applicant, Linda Jernigan, 406 South 69th West Avenue, Tulsa, Oklahoma, was represented by Hank Jernigan. He explained that the mobile home in question is located on the property of Mr. and Mrs. Jernigan, who are elderly and need someone nearby to care for them. He stated that Linda Jernigan's husband, who was his cousin, recently died and she has been caring for them alone since that time.

Comments and Questions:

Mr. Alberty asked Mr. Jernigan if he is aware of a problem with the neighbors concerning the location of the mobile home and he replied that the neighbors to the south are protesting the application.

Mr. Alberty inquired if there are other mobile homes in the area and Mr. Jernigan answered in the affirmative.

Mr. Alberty stated that mobile home use was granted for 5 years in 1981 and asked Mr. Jernigan what period of time the applicant is requesting at this time. He replied that she is asking for permission to leave the mobile home at the present location for another 5 years.

Mr. Jones supplied the applicant with a copy of the Flood Hazard Review, which requires that the finished floor level be a minimum of 657.5' above sea level.

Protestants:

Thomas Lamb, 508 South 69th Place, Tulsa, Oklahoma, stated that the applicant talked to him before the mobile home was placed on the property and that, according to that conversation, the mobile home was going to be small and located on the back of the lot. He informed that a 14' by 60' trailer was moved on the front of the lot approximately 3' from his property line and very near his home. Mr. Lamb stated that he is opposed to having the mobile home on the lot. He informed that Mr. Jernigan takes care of his own land and drives his truck and asked the Board to deny the request. He pointed out that there is a lot next door to the elderly couple where the mobile home could be moved.

Applicant's Rebuttal:

Mr. Hank Jernigan stated that the elderly Mr. Jernigan does drive his automobile, but has been hospitalized 4 times recently and is in very bad health.

**Additional Comments:**

Mr. Looney asked Mr. Jernigan to clarify the relationship of the Jernigans and he replied that the elderly gentleman is his grandfather by marriage and Linda Jernigan was married to his son.

Mr. Looney asked Mr. Jernigan if he can suggest any way that the situation could be made more acceptable to the neighbors and he informed that vegetation could be planted to screen the trailer, but that Linda is not financially able to move it to another location.

Mr. Gardner suggested that a screening fence between the mobile home and the house might be acceptable to Mr. Lamb.

Mr. Jernigan stated that a screening fence could be installed.

Mr. Walker asked if the trailer can be moved to the vacant lot next door and Mr. Jernigan stated that the funds are not available to move the mobile home.

Kathy Lamb, 508 South 69th West Avenue, Tulsa, Oklahoma, stated that Mr. Jernigan is able to mow his grass and use the weed eater. She informed that a machine shop has been set up on the property and feels that everything has been going their way long enough.

**Board Action:**

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit an existing mobile home in an RS District; with a 6 month period being allowed for removal of the mobile home; finding that the special exception request is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Bruner Subdivision, Tulsa County, Oklahoma.

**Case No. 687**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to permit used car sales in a CS zoned district and to continue use as a single-family residence.

Variance - Section 1217.3(a) and (b) - Automotive and Allied Activities, Use Conditions - Request a variance to permit open air storage or display of used cars for sale within 300' of R District and request a variance to waive screening from abutting R District.



Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance to waive the all-weather hard surface parking requirement, located on the SW/c 4th Road and Ridge Drive.

**Comments and Questions:**

Mr. Jones stated that Staff has received a letter (Exhibit D-1) from the City of Sand Springs recommending denial of the application.

**Presentation:**

The applicant, Sue Catlett, Route 1, Box 116, Checotah, Oklahoma, was represented by Jim Catlett, who asked the Board to allow him to have a residence and a business at the above stated location. He informed that there are 2 houses on the property at the present time, with the one nearest the RV Sales being in very bad repair. Mr. Catlett informed that he plans to demolish the older of the 2 houses and reside in the one remaining. He pointed out that the screening requirement will actually be between his home and his business, since the car lot will be located on the lot where the old house is removed. Mr. Catlett informed that the business next door does not have a hard surface parking area and asked that this requirement be waived. Mr. Catlett stated that he grew up in the area and would like to move his business back to his home town.

**Additional Comments:**

Mr. Alberty asked the applicant how many cars will be displayed on the property in question and he replied that he will have approximately 12.

Mr. Alberty inquired if the applicant has a business at another location and Mr. Catlett replied that he operates a car sales operation in Checotah, Oklahoma, but would like to move back to his hometown. He stated that he was surprised that Sand Springs would not support his application, and pointed out that they did not mention in the meeting that he planned to live on the property, as well as operate a business there. He stated that they seemed concerned with the traffic, but pointed out that he does not plan to have more than 5 customers per day.

Mr. Alberty asked if a fence is planned for the business and Mr. Catlett replied that a security fence will be installed.

Mr. Walker inquired as to the distance from the business to the nearest residence and Mr. Catlett informed that the nearest house is approximately 50' to 75' away.

Mr. Walker commented that he lives in the area and feels the business will be an asset to the community.

Mr. Tyndall asked what type of lighting is planned for the car lot and Mr. Catlett informed that vapor lights will be installed.

Mr. Edwards inquired as to the size of the sign that will be installed and he informed that it will be approximately 4' by 8', with no lights.

**Interested Parties:**

Charles Ayers, 7700 West 17th Street, Tulsa, Oklahoma, informed that he has the RV Sales to the west of the subject property. He pointed out that the old house Mr. Catlett is planning to tear down is a fire hazard and feels that the car lot will be compatible with the area.

Mr. Gardner informed that, if the application is approved and the screening waived, the Board should consider making a request that the residence is maintained on the east side of the property.

Mr. Alberty asked what the hours of operation for the car lot will be and Mr. Catlett replied that he plans to be open from 8 a.m. to 6 p.m.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to permit used car sales in a CS zoned district and to continue use as a single-family residence; to **APPROVE** a **Variance** (Section 1217.3(a) and (b) - Automotive and Allied Activities, Use Conditions) to permit open air storage or display of used cars for sale within 300' of R District and a variance to waive screening from abutting R District; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas) to waive the all-weather hard surface parking requirement; subject to a maximum of 15 cars on the lot; subject to residence on the east of the subject property being maintained; subject to hours of operation being from 8 a.m. to dark; and subject to a sign being limited to 32 sq. ft. surface area; subject to cars being parked on a gravel surface; finding that a car lot will be compatible with the area; finding that the screening requirement would actually screen the applicants house from his business; and finding that other businesses in the area have gravel parking; on the following described property:

A tract of ground situated in the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 10, Township 19 North, Range 11 East, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at a point 493.3 feet West and 30.0 feet South of the Northeast corner of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 10; thence West a distance

of 170.0 feet; thence South a distance of 70.0 feet to a point on the Northerly property line of the Keystone Expressway Route; thence South 63°05'34" East along said Northerly right-of-way line a distance of 218.77 feet; thence North 24°42' East a distance of 23.38 feet; thence West a distance of 15.62 feet; thence North a distance of 147.21 feet to the point of beginning. Containing in all 0.46 Acres, Tulsa County, Oklahoma.

**Case No. 688**

**Action Requested:**

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request a variance of the required lot width of 200' in an AG zoned district to 165' to permit a lot split, located north of the NW/c of 201st Street South and Yale Avenue.

**Presentation:**

The applicant, John Earnest, Route 1, Mounds, Oklahoma, submitted a location map (Exhibit A-1) and stated that he is requesting a variance of the lot width in order that he can obtain a lot split.

**Comments and Questions:**

Mr. Alberty noted that the tract contains 5 acres and exceeds the minimum area required.

Mr. Earnest informed that there are other lots in the area that are more narrow in width than the 165' he is requesting.

**Protestants: None.**

**Board Action:**

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the required lot width of 200' in an AG zoned district to 165' to permit a lot split; subject to TMAPC approval; finding that there are other lots in the area that are more narrow than the variance request and the total area of the subject lots is more than the minimum required; on the following described property:

N/2, NE/4, SE/4, SE/4 of Section 9, T-16-N, R-13-E, Tulsa County, Oklahoma.

Case No. 689

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow a non-profit social club (German American Arts Society) in an AG District, located north of the NW/c of 101st Street South and 129th East Avenue.

Comments and Questions:

Mr. Alberty read a letter (Exhibit B-2) from the Broken Arrow Board of Adjustment, stating that they recommend approval of the application. He stated that there was similar action on the property to the south, which was approved for the same use.

Presentation:

The applicant, F.L. Rau, was represented by Richard Heidinger, 4123 South Jamestown, Tulsa, Oklahoma, who explained that the German American Society had initially intended to build on the property under application at the previous Board of Adjustment meeting, but it was discovered that the soil did not percolate. He informed that the owner of the subject property agreed to trade lots with the applicant if Board approval is acquired. A proposed plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Alberty asked if a percolation test has been made on the subject tract and he answered in the affirmative. Mr. Heidinger informed that the building plan is the same as the one previously submitted, except the porte-cochere is in a different location.

Mr. Alberty asked Mr. Heidinger if a sign will be erected on the subject property and he replied that it has not been determined what type of sign will be placed on the lot.

Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow a non-profit social club (German American Arts Society) in an AG District; subject to platting of the property; subject to Health Department approval; and subject to the applicant returning to the Board for sign approval; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

North 297' of the south 900' of the east 681' of the SE/4, SE/4, of Section 20, T-18-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 690**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RE District and to allow a modular building to be used for the church building temporarily.

Variance - Section 240.3 - Use of Yards in R Districts - Request a variance of the all-weather surface for parking to allow use of a gravel lot, located west of NW/c of West 41st Street South and 129th West Avenue.

**Comments and Questions:**

Mr. Jones submitted a letter (Exhibit E-1) from the City of Sand Springs which stated that no recommendation is being made on the application.

**Presentation:**

The applicant, Dan Switzer, Box 1346, Sand Springs, Oklahoma, stated that he is the pastor of the New Life Tabernacle and asked the Board to allow the location of a church building on the subject property. He informed that the temporary modular building will be 24' by 50' and will have central heat and air conditioning. Mr. Switzer stated that it will be used for 2 years and then replaced with a brick structure. He asked the Board to allow gravel parking to be used until a permanent structure is built.

**Comments and Questions:**

Mr. Walker asked the applicant to state the distance from the proposed church building to the nearest residence and he replied that the modular can be placed anywhere on the lot that will be agreeable to the neighbors.

Mr. Alberty asked the applicant if the tract is vacant at this time and he informed that it is a vacant wooded lot.

Mr. Walker inquired as to the size of the congregation and Mr. Switzer stated that the modular building will seat approximately 80 people.

**Protestants:**

Vern Moore, Route 1, Sand Springs, Oklahoma, stated that he owns the property to the west of the subject tract. He voiced a concern that he was not notified of the meeting and pointed out that the property in question is not served by a city sewer and the soil does not percolate well. Mr. Moore stated that he has been burglarized several times and, in his opinion, the unattended church property would give thieves an opportunity to enter his property. He pointed out that drainage from the church property is directed toward his acreage and asked the Board to deny the application.

A petition of protest (Exhibit E-2) from area residents was submitted to the Board.

**Applicant's Rebuttal:**

Mr. Switzer stated that the septic system will require Health Department approval and that there will be security lights installed on the property.

**Interested Parties:**

Louise Strout, stated that she is owner of the property in question and is planning to sell it for church use. She pointed out that, in her opinion, the Moore's property would be better protected if the brush was cleared from the lot. Ms. Strout stated that she lives in the area and feels a church is appropriate at this location.

**Additional Comments:**

Mr. Looney commented that he feels a church is compatible with the area and that security would be improved if the lot was cleared.

Mr. Alberty remarked that he is concerned with the temporary nature of the proposed building.

Mr. Tyndall stated that he would like to review a plot plan and see where the water run-off from the lot would be directed.

Mr. Edwards informed that the modular will be required to be placed on a permanent foundation.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a church in an RE District and to allow a modular building to be used for the church building temporarily; and to APPROVE a **Variance** (Section 240.3 - Use of Yards in R Districts) of the all-weather surface for parking to allow use of a gravel lot; subject to a 2-year limitation on the use of the modular building and gravel parking area; subject to the entrance driveway being chained off when not in use and security lighting be provided; subject to filling of a plat and obtaining necessary permits; subject to the parking lot being properly screened and treated to prevent dusting; subject to Health Department approval; subject to proper right-of-way dedication; subject to applicant returning to the Board for approval of a site plan depicting a definite location of the modular building on the property; and subject to a green belt of undisturbed land being reserved between the parking lot and the property to the west; finding that a church will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The SE/4 of Section 21, T-19-N, R-11-E of the IBM, Tulsa County: Beginning at a point 660' west of the SE/c of Section 21, west 330', north 360', east 330' thence south to the east line 360' to the Point of Beginning Containing 2.72, acres more or less, Tulsa County, Oklahoma.

**Case No. 691**

**Action Requested:**

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required minimum lot area from 2 acres to 1.742 acres for an existing tract, located south of the SE/c of 136th Street North and Mingo Road.

**Presentation:**

The applicant, George Upky, Route 3, Collinsville, Oklahoma, stated that he wants to construct a home on his land and does not have the required 2.5 acres. He informed that a mobile home is located on the property at this time, but will be removed. Mr. Upky stated that there are some lots in the area that are smaller than the subject property.

**Board Action:**

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 330 - Bulk and Area requirements in Agriculture Districts - Use Unit 1206) of the required minimum lot area from 2 acres to 1.742 acres for an existing tract; finding that there are lots in the area that are smaller than the subject tract; on the following described property:

A parcel of land 230 feet North and South by 330 feet East and West, lying in Section Thirty-One (31), Township Twenty-Two (22) North, Range Fourteen (14) East of the Indian base and Meridian, more particularly described as follows, to-wit: Beginning 198 feet South of the Northwest Corner of said Section 31, thence 330 feet East, thence 230 feet South, thence 330 feet West, thence 230 feet North to the point of beginning, lying in Tulsa County, State of Oklahoma and containing 1.742 Acres, more or less.

## OTHER BUSINESS

### Case No. 485

#### Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request an exception to allow a church building in an agricultural zoned district, located West of NW/c of 129th East Avenue and 101st Street.

#### Comments and Questions:

Mr. Jones explained that this case was approved in March of 1985, subject to plot plan and conditions, but the applicant is proposing to delay construction of the approved building and use an existing residence for church use. He pointed out that no notice was given for this hearing and the Board will have to determine if notice will be required. He informed that the applicant was to return to the Board with site plans for approval.

#### Presentation:

The applicant, Charles Cleveland, 7909 South 72nd East Avenue, Tulsa, Oklahoma, stated that the existing house that will be used for a church building is approximately 60' from the west property line. He informed that the congregation is still planning to construct a new building, but asked that they be allowed to meet temporarily in the house. A plot plan (Exhibit BB-2) and a location map (Exhibit BB-1) were submitted.

#### Additional Comments:

Mr. Alberty asked the applicant if the property is platted and he answered in the affirmative.

Mr. Alberty inquired of Mr. Cleveland as to how long the temporary use will be needed and he replied that the congregation will meet in the house approximately 2 years.

Mr. Edwards informed that a Zoning Clearance Permit will be required.

Mr. Alberty asked the applicant if there will be interior modifications and he replied that 2 walls will be removed.

#### Board Action:

On MOTION of LOONEY, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow a church building in an agricultural zoned district for a temporary use of 1 year only; subject to Building Permit and Health Department approval; and subject to applicant obtaining a Zoning Clearance Permit and meeting all requirements of the Building Inspector's office; on the following described property:



E/2 of SE/4 of Section 20, T-18-N, R-14-E, being described as:  
Begin at the SW/c of E/2, thence north 660', thence east 345',  
thence south 660', thence west 345', to P.O.B. in Tulsa County,  
Oklahoma.

There being no further business, the meeting adjourned at 3:43 p.m.

Date Approved Oct. 21, 1986

Wayne Alberty  
Chairman